

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

LYUDMYLA PYANKOVSKA,

Plaintiff(s),

v.

SEAN ABID, et al.,

Defendant(s).

Case No. 2:16-CV-2942 JCM (BNW)

ORDER

Presently before the court is plaintiff Lyudmyla Pyankovska (“plaintiff”)’s unopposed motion to lift the stay of the case. (ECF No. 163).

Also before the court is plaintiff’s unopposed motion for a settlement conference. (ECF No. 164).

The court initially dismissed defendant John Jones (“Jones”) at the beginning of this case, while defendant Sean Abid (“Abid”) remained in this matter. (ECF No. 67). On June 3, 2018, recognizing the court’s dismissal of all claims against Jones, plaintiff filed her first amended complaint, in which she asserted claims against Abid only. (ECF No. 81). The court ultimately entered default and default judgment against Abid. (ECF No. 123).

The Ninth Circuit filed its published opinion in this matter on April 18, 2023, in which it vacated and remanded the case as it related to Abid (ECF No. 151). The Ninth Circuit further held that Jones’ alleged conduct involving First Amendment petitioning activity was not protected by the *Noerr-Pennington* doctrine. (*Id.* at 3-4).

1 On July 27, 2023, there was a stipulation to stay the Ninth Circuit's mandate based on
2 Jones' election to seek *certiorari* to the Supreme Court. (ECF No. 158). The court ordered the
3 matter stayed on July 31, 2023, until a petition for *certiorari* was resolved. (ECF No. 159).

4 On October 30, 2023, the Supreme Court denied *certiorari*, but this court was not notified
5 by the Ninth Circuit as would otherwise be the case because its mandate had already issued.
6 Plaintiff's motions thus serve to notify the court that the Supreme Court indeed denied *certiorari*.
7 (ECF No. 163 at 2).

8 The parties believe that referral to the magistrate judge for the purpose of settlement
9 negotiations would be appropriate prior to undertaking additional efforts in this matter. (*Id.*).
10 Neither defendant opposes plaintiff's motions. (*Id.*). Therefore, this court will refer this matter to
11 the magistrate judge to oversee settlement discussions.

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiff Lyudmyla
14 Pyankovska's unopposed motion to lift the stay of the case (ECF No. 163) and unopposed motion
15 for a settlement conference (ECF No. 164) be, and the same hereby are, GRANTED.

16 DATED February 23, 2024.

17 
18 UNITED STATES DISTRICT JUDGE